



The Comptroller General  
of the United States

Washington, D.C. 20548

Cooper

## Decision

Matter of: Grimm's Orthopedic Supply & Repair--  
Reconsideration  
File: B-231578.2  
Date: December 7, 1988

### DIGEST

Request for reconsideration is denied where protester essentially reiterates arguments initially raised and fails to show any error of fact or law that would warrant reversal or modification.

### DECISION

Grimm's Orthopedic Supply & Repair requests reconsideration of our decision in Grimm's Orthopedic Supply & Repair, B-231578, Sept. 19, 1988, 88-2 CPD ¶ 258. In that decision we denied Grimm's protest that the Veterans Administration (VA) was not distributing small purchases under \$1,000 for orthotic devices and services equitably among qualified supplier and, as a result, Grimm's was not receiving its fair share of those purchases.

We deny the request for reconsideration.

Grimm's had been the incumbent contractor performing orthotic repairs and services for patients at the VA Medical Center for over 15 years. Beginning in fiscal year 1988, the VA began performing most orthotic repairs and stocking supplies in-house; certain repairs were distributed among qualified vendors in the local area, including Grimm's.

In its original protest, Grimm's alleged that starting in fiscal year 1988, the VA failed to distribute orthotic small purchases equitably, did not verify price reasonableness for those purchases and made consecutive sole-source awards to another vendor.

We found that the VA reasonably attempted to distribute the small purchases for orthotic supplies under \$1,000 equitably between the two qualified suppliers near the Medical Center by number of orders issued during the first and second quarters of 1988. Moreover, we found that when Grimm's called the inequity of dollar distribution between vendors

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to the VA's attention, the VA instituted a system of vendor rotation that is based on dollar amount rather than just on number of orders issued, thereby ensuring an equitable monetary distribution. Further, we noted that the VA procuring official does not have a duty to secure competitive quotations for purchases under \$1,000, so we saw no reason to object to the fact that the VA made determinations of price reasonableness without seeking price quotations from competitors or issued consecutive orders to one firm while attempting to distribute the total number of small purchase orders equitably, taking account of veteran preference, specific medical prescription and item availability.

In its request for reconsideration, Grimm's challenges the accuracy of the data supplied by the VA for the first and second quarters of 1988, and for the new system of vendor rotation, as well as the VA's assessment of price reasonableness of orthotic small purchases. In addition, Grimm's alleges bad faith on the part of the VA based on Grimm's contention that it did not receive a fair monetary share of third and fourth quarter 1988 fiscal year orders. Grimm's also alleges that the VA provided vendors with their competitors' price lists.

A party requesting that we reconsider a bid protest decision must show that our prior decision contains either errors of fact or of law that warrant its reversal or modification. 4 C.F.R. § 21.12 (1988). Repetition of arguments made during resolution of the original protest, or mere disagreement with our decision, does not meet this standard. Roy F. Weston, Inc.--Reconsideration, B-221863.3, Sept. 29, 1986, 86-2 CPD ¶ 364.

Grimm's first two allegations concerning the accuracy of the VA's data for the first and second quarters of 1988 and the VA's assessment of price reasonableness are reiterations of arguments that Grimm's raised in its initial protest. We considered these issues on the merits in our initial decision and Grimm's has not shown any error of fact or law that would warrant reversal or modification of our decision.

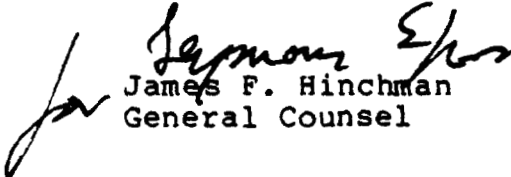
With respect to Grimm's third allegation that the VA showed bad faith toward Grimm's in the distribution of purchase orders in the third and fourth quarters of 1988, the information provided by the VA indicates that Grimm's received 27 percent of the purchase orders under \$300, totaling \$2,732, while the only other vendor within a 10-mile radius of the Medical Center received 30 percent, totaling \$3,142. Grimm's also received 48 percent of the orders over \$300, totaling \$6,475, while the other vendor

received 38 percent, totaling \$4,029. Therefore, cumulatively for the third and fourth quarters, Grimm's received 40 percent of the dollar value of orders placed by the VA, while the other vendor received 31 percent of the dollar value of orders placed.

While Grimm's contends that it has not received a fair monetary share of purchase orders for the third and fourth quarters of 1988, Grimm's has not presented any evidence to substantiate its allegations. On the contrary, the record shows that Grimm's in fact received a greater monetary share of the purchase orders cumulatively for those time periods than did its competitor.

In addition, we find that Grimm's has not presented any evidence of bad faith by the VA with respect to Grimm's price lists. The VA categorically denies distributing Grimm's price lists to other vendors, and there is no support in the record for Grimm's allegation to the contrary. Further, in response to an untimely allegation raised by Grimm's concerning the VA's alleged distribution to patients of Grimm's competitors' business cards, the VA asserts that vendors' business cards were provided only after patients had selected a vendor, because a map of the vendor's location was printed on the back of the card.

Since Grimm's has not presented any errors of fact or law in our initial decision, the request for reconsideration is denied.

  
James F. Hinchman  
General Counsel